

Responsible Office: HQ Office of Equal Opportunity & Diversity Management
Subject: Equal Opportunity Pre-Complaint Process (CE)



Office of Headquarters Operations

Office Work Instruction

Equal Opportunity Pre-Complaint Process

Approved by: _____ (Original signed by) _____ Date 5/9/00
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DOCUMENT HISTORY LOG

<u>Status</u> <u>(Baseline/</u> <u>Revision/</u> <u>Canceled)</u>	<u>Document</u> <u>Revision</u>	<u>Effective</u> <u>Date</u>	<u>Description</u>
Baseline		12/10/99	
Revision	A	5/9/00	Changed NASA Logo Sec. 3. Added EEOC, MD, Mediator Sec. 4 Added EEOC MD 110 Sec. 6. Added 6.1 ...Explain Complaint... Merge 6.4 into 6.1 ...45 day contact... Eliminate 6.9, 6.12 ...in-house counseling... Added 6.8 & 6.9 ...Evaluate & accept... Changed Quality Record from Rights & Responsibilities Letter to Right to File Letter

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1.0 Purpose

Ensure the management and coordination of the Headquarters Equal Employment Opportunity Pre-Complaint and Alternate Dispute Resolution process as outlined in the Code of Federal Regulations (29 CFR Part 1614.105), Equal Employment Opportunity Commission Management Directive 110 and NASA Headquarters Policy Guidance: Workplace Alternate Dispute Resolution (ADR) Program.

2.0 Scope and Applicability

The Headquarters Office of Equal Opportunity and Diversity Management Programs provide a specific process to ensure equal opportunity to all Headquarters employees and ensure compliance with 29CFR Part 1614 and NASA Headquarters Policy Guidance: Workplace Alternate Dispute Resolution (ADR) Program. This process allows employees to seek counseling if they allege discrimination has occurred due race, color, religion, sex, national origin, disability, age and retaliation.

3.0 Definitions

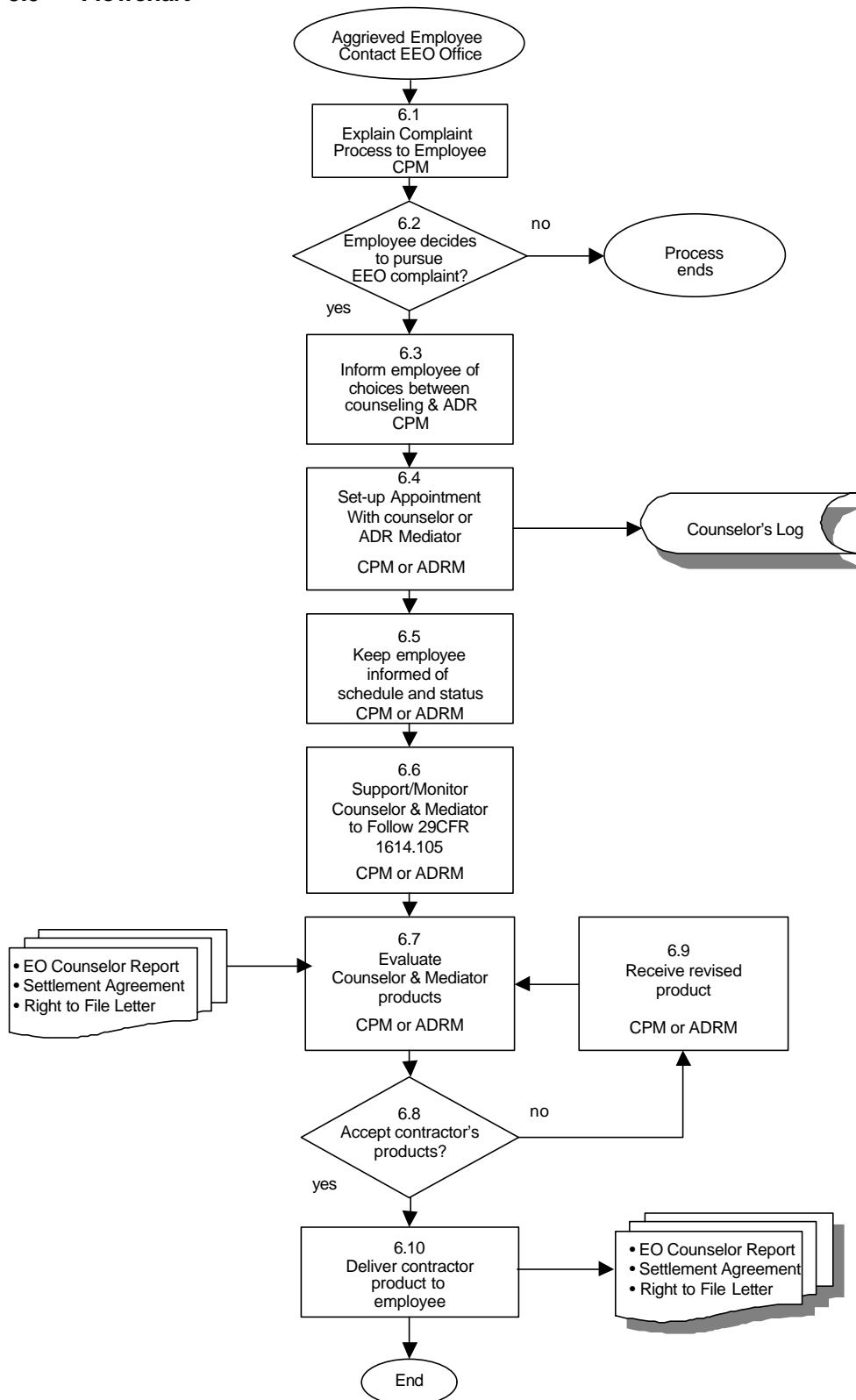
- 3.1 ADR. Alternate Dispute Resolution – Mediation alternate available to federal employees in addressing Discrimination Complaints and Grievances.
- 3.2 ADEA. Age Discrimination in Employment Act
- 3.3 CFR. Code of Federal Regulations
- 3.4 CPM. Complaints Program Manager
- 3.5 EEOC. Equal Employment Opportunity Commission
- 3.6 EO. Equal Opportunity - refers to the requirement of Federal Agencies to implement programs to prevent discriminatory practices due to race, color, religion, sex, national origin, disability, age and retaliation.
- 3.7 EEO Counselor (EOC). The counselor duties, as described in EEOC MD 110, can be contracted out to a vendor or assigned to a civil servant on a full time or collateral basis.
- 3.8 HHS. Health and Human Services– Federal agency that sponsors the Share Neutrals Program Mediation Services available to all Government agencies. These services is in response to the ADR requirement.
- 3.9 Mediator. In the ADR process a mediator is a neutral third party who assists opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination or other grievances.
- 3.10 MD. Management Directive

4.0 References

- 4.1 29 Code of Federal Regulations 1614 , Subpart A-Agency Program to Promote Equal Employment Opportunity, Section 1614.105 Pre-complaint processing -
<http://www.eeoc.gov/federal/1614-final.html>
- 4.2 ADEA-Age Discrimination in Employment Act - <http://www.eeoc.gov/laws/adea.html>
- 4.3 EEOC Management Directive 110 - <http://www.eeoc.gov/federal/md110.html>
- 4.4 Rehabilitation Act of 1973 - <http://www.eeoc.gov/laws/rehab.html>

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5.0 Flowchart



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6. Process

Step	Actionee	Action
		Aggrieved employee contacts HQ EO Office with an alleged EEO complaint or other grievance.
6.1	Complaints Program Manager (CPM)	Explain complaint process to employee at this intake session as defined in 29CFR 1614.105 and EEOC MD 110. The complainant must indicate the issues and bases underlying the alleged discriminatory event due to race, color, religion, sex, national origin, disability, age and retaliation. The event must have occurred no longer than 45 days prior to the employee's contact with the Headquarters EO Office as indicated in 29CFR 1614.105 and EEOC MD 110.
6.2	CPM	Employee decides to pursue EEO complaint? If no, process ends. If yes, proceed to 6.3.
6.3	CPM	Inform employee of choices between counseling or ADR. Both the EO counseling and the ADR mediating services are contracted out. Employee chooses counseling or ADR. If ADR, the employee chooses contracted mediator or HHS mediation.
6.4	CPM ADRM	Set appointment with contract counselor or ADR mediator after employee chooses the complaint resolution venue. Contract counselors or ADR mediator are not employed by the agency to ensure neutrality.
6.5	CPM ADRM	Keep employee informed of schedule and status after contacting counselor or mediator which will include the timeframe the employee can expect to be contacted by the counselor or mediator to set an appointment.
6.6	CPM ADRM	Support and monitor counselors and mediators to follow 29CFR 1614.105 or NASA Headquarters Policy Guidance: Workplace Alternate Dispute Resolution (ADR) Program. Provide for any logistical needs including providing letters of authorization and scheduling conference rooms. Complaint manager or ADRM will assure full cooperation when necessary for counselor or mediator when needing responses from management, complainants' or other involved employees in carrying out the fact-finding portion of the process.
6.7	CPM ADRM	Evaluate Counselor and Mediator products for completeness and clarity in accord with 29CFR 1614.105, MD 110 or NASA Headquarters Policy Guidance: Workplace Alternate Dispute Resolution (ADR) Program
6.8		Accept contractor's products? If no, return to contractor with comments concerning unacceptability and requesting a upgraded product, go to 6.10. If yes proceed to 6.11.
6.9	CPM ADRM	Receive revised product from contractor for re-evaluation and proceed to 6.8.

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6.10	CPM ADRM	Deliver contractor products to employee which will be either a negotiated Settlement Agreement if one were reached or the confirmation of the delivery of the Right to File Letter by the Contract EO Counselor followed by the EO 's Counselor's Report.
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7.0 Quality Records

Record Identification	Owner	Location	Record Media: Electronic or Hard Copy	Schedule Number and Item Number (NPG 1441.1)	Retention/Disposition
Counselor's Log	EEO & Diversity Management Office/Code CE	EEO & Diversity Management Office/Code CE	electronic	3 50 (E) (3)	Destroy 2yrs after final resolution of case
EO Counselor Report	EEO & Diversity Management Office/Code CE	EEO & Diversity Management Office/Code CE	Hard copy	3 50 (E) (3)	Destroy 2yrs after final resolution of case
Settlement Agreement	EEO & Diversity Management Office/Code CE	EEO & Diversity Management Office/Code CE	Hard Copy	3 50 (E) (3)	Destroy 2yrs after final resolution of case
Right to File Letter	EEO & Diversity Management Office/Code CE	EEO & Diversity Management Office/Code CE	Hard Copy	3 50 (E) (3)	Destroy 2yrs after final resolution of case